

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	
)	Chapter 11
STEVEN HIMMELMAN,)	
)	Case No. 24-00574
<i>Debtor.</i>)	
_____)	Hon. Deborah L. Thorne

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST:

PLEASE TAKE NOTICE that on the 10th day of July, 2024 at 1:00 p.m. or as soon thereafter as counsel can be heard, I shall appear before the Honorable Deborah L. Thorne, Bankruptcy Judge, or before any other Judge who may be sitting in her place, either in courtroom 682 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and shall present the **Motion To Authorize Examination Of The Debtor And Third Parties Pursuant To Federal Rule Of Bankruptcy Procedure 2004 And Local Rule 9013-9(B)(5)**, a copy of which is attached hereto and herewith served upon you.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by Zoom using a telephone, call Zoom for Government at 1-669 254-5252 or 1-646- 828-7666. Then enter the meeting ID and password.

Meeting ID and passcode. The meeting ID for this hearing is 160 9362 1728 and no passcode is required. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

/s/Brian P. Welch

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FOR THE NORTHERN DISTRICT OF ILLINOIS
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In re:)	
)	Chapter 11
STEVEN HIMMELMAN,)	
)	Case No. 24-00574
<i>Debtor.</i>)	
_____)	Hon. Deborah L. Thorne

CERTIFICATE OF SERVICE

☐ an attorney, certify

-or-

☒ an non-attorney, declare under penalty of perjury under the laws of the United States of America

that a copy of this **Notice of Motion** and attached **Motion** was served on the attached service list via the Court's Electronic Filing System (ECF), to all who are entitled to receive such notice, and that a copy of the **Notice of Motion** and attached **Motion**, was served to all parties on the attached service list, via U.S. Regular Mail, properly addressed, postage prepaid, on the 21st day of June 2024.

/s/Graciela Balderas

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	
)	Chapter 11
STEVEN HIMMELMAN,)	
)	Case No. 24-00574
<i>Debtor.</i>)	
_____)	Hon. Deborah L. Thorne

**MOTION TO AUTHORIZE EXAMINATION OF THE DEBTOR
AND THIRD PARTIES PURSUANT TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004 AND LOCAL RULE 9013-9(B)(5)**

Canobinoti, LLC and David Ocomo (the “Claimants”), hereby request that this Court enter an order, pursuant to Fed. R. Bankr. P. 2004 and Local Rule 9013-9(B)(5), authorizing the Claimants to serve subpoenas on the Debtor and various third parties to obtain documents relating to the acts, conduct, property, liabilities and financial affairs of the debtor, STEVEN HIMMELMAN (the “Debtor”). In support of this Motion, the Claimants respectfully state as follows:

Jurisdiction and Venue

1. By this Motion, Claimants seek authority from this Court, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, to issue Subpoenas for Rule 2004 Examination of various 2004 Parties (as that term is defined below) to obtain documents and, if necessary, conduct depositions relating to the acts, conduct, property, liabilities and financial affairs of the Debtor.
2. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
4. The statutory predicate for the relief requested herein is Rule 2004 of the Federal Rules of Bankruptcy Procedure.

Introduction and Background

5. On January 20, 2022, the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida (the “Florida Court”) entered a Final Judgment (the “Judgment”) in Case No. CACE20220968 (the “Florida Case”) in the amount of \$24,353,207.78 (the “Judgment Amount”) against a number of defendants, including the Debtor, jointly and severally, and in favor of the Claimants. The Judgment accrues post-judgment interest at the rate of 4.25% per year and subject to adjustment pursuant to Fla. Stat. § 55.30.

6. As of January 16, 2024 (the “Petition Date”), interest had accrued on the Judgment Amount in the amount of \$2,055,844.42, for a total claim in the amount of \$26,409,052.20 (the “Claim”).

7. The Claim is secured by all of the Debtors’ real and personal property. *See* [Claim No. 2-1].

8. On the Petition Date, the Debtor filed a voluntary petition under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), commencing the above-captioned bankruptcy case (the “Bankruptcy Case”).

9. In the Debtor’s Schedules and Statement of Financial Affairs, the

Relief Requested

10. By this Motion, the Claimants seek to authority, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, to issue Subpoenas to the parties listed below seeking the information contained in the Rider in a form similar to the Rider attached to this Motion as **Exhibit**

A:

- The Debtor;
- David Himmelman
- Hollie Himmelman
- Jason Himmelman

- Rita Himmelman
- Tzvi Himmelman
- Development in Motion Company, Inc.
- IAFT LLC
- IAFT Gloves, LLC
- Marc Samotny
- Lone Ranger Masks, LLC
- Tamarta Partners LLC, Illinois
- Tamarta Partners, LLC, Texas
- Patrick Clancy
- Joseph Fusco
- Tamarta Ventures LLC
- Impero Group LLC
- The Corporate Trust Company
- Jupiter Financial LLC
- Jupiter Financial Services Inc., Florida
- Jupiter Financial Services, Inc., Utah
- Sean Coburn
- Connexion Partners LLC
- Brett Rosenstein
- Michael Rosenstein
- Valore Investment Fund LLC
- Valore Fund, LP
- Valore LLC
- Valore Inc.
- Valore Investor Fund VI, LP
- Valore International LLC
- Valore Capital PTY, Australia
- Peter Allen Wright
- Peter Anthony Wright
- Impero Construction LLC
- Impero Managers LLC
- Impero Investment Management LLC
- Impero Capital Holdings LLC, Florida
- Impero Capital Holdings LLC, Delaware
- Impero Capital LLC
- Impero Capital Management LLC
- Impero FL Apartments Fund LLC
- Impero Partners LLC
- Tucker Thoni
- Empire International Holdings LLC, Texas Corp
- Empire International Holdings LLC, Delaware Corp
- Empire Holding International Limited, UK company
- Empire International Trust, a Bermuda Company

- Joseph Procopio
- Mario Rusello
- Gordon Carter
- Robert Tamillo
- Michael Rosenstein
- Brett Rosenstein
- IAFT Holdings PTY, Ltd., Australia
- JLS Medical Supply LLC
- Steve Himmelman Construction LLC
- Steve Himmelman Construction Inc.
- ACME Concrete Pump Inc.
- The David Himmelman Family Trust, Delaware
- The Himmelman Family Trust, Australia
- Richard Paniagua
- Stephen W. Himmelman
- Leslie Hall-Sheedy
- Meredith Austin Himmelman a/k/a Meredith Holt
- Zachary Himmelman
- Taryn E. Power
- Chad Hanley
- Vector International Trading LLC
- Robson R. Rezende
- Eugene F. O'Malley
- Vector International Trading LLC
- Fox Hollow Ventures LLC
- Fox Hollow Capital Group LLC
- Fox Hollow Investments LLC
- Fox Hollow Holdings Limited, British Virgin Islands
- Henry Vargas
- Val Laguatan
- Freddy Vaca
- Nina Vaca
- Todd D Rich LLC
- Todd D. Rich
- Black Dutch Management LLC
- Martin V. Fleming
- Steve Mihaljevic
- Deanna Roth
- Franklin Global Finance Limited, New Jersey
- Peter Del Mastro
- Viking Trans LLC
- Viktoras Kaunas
- DC3 Global LLC
- H&W Trading Consultants LLC

- W&H Trading Consultants LLC
- William Kindoff, III
- Bruce Wisner
- Robert B. Kingsly
- Blue Diamond Trading LLC
- HK Capital LLC
- Echotrade LLC
- Black Dutch Standard Trading Inc., Bahamas
- Shendell and Pollack
- Ron Thauer
- Robert Breit
- Randy Abeles
- Kaplan & Gournis, PC
- Don Williams
- Sterilis Solutions LLC
- Eleven Eleven Heritage LLC
- FGR Partners One, Inc.
- Viking USA LLC
- Ocwen Loan Services LLC
- PHH Mortgage Services
- HK Capital LLC
- Ronald Himmelman
- Richard Himmelman
- Wells Fargo
- Burling Bank

(hereinafter referred to collectively as the “2004 Parties”).

11. The 2004 Parties consist of the Debtor, the Debtor’s family members, companies in which the Debtor is or was an owner, member, manager, officer, director or employee, and/or parties who are either known or believed to be business affiliates of the Debtor.

12. Additionally, the Claimants seek authority from this Court to compel the attendance of the 2004 Parties (or their representative) at a deposition pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure.

13. Pursuant to Fed. R. Bankr. P. 2004(a), the Bankruptcy Court may order the examination of any entity on the motion of a party in interest:

The scope of such an examination is quite broad, relating to just about anything that deals with the debtor's actions, assets, liabilities or financial affairs, its right to a discharge, or any other matter affecting the administration of the bankruptcy estate. Fed. R. Bankr. P. 2004(b). It can be as simple as where are the keys to the filing cabinet or as complex as what happened to the money? It may also be used to examine "creditors and third parties who have had dealings with the debtor." *Matter of Wilcher*, 56 B.R. 428, 434 (Bankr. N.D. Ill. 1985).

In re Sheetz, 452 B.R. 746, 747-48 (Bankr. N.D. Ind. 2011).

14. In addition to ordering attendance for an examination, the Court may also compel a party to produce any documents that might relate to the Debtor's financial affairs. Fed. R. Bankr. P. 2004(c).

15. Local Rule 9013-9(B)(5) provides that a motion for authority to conduct an examination pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure "will ordinarily be granted without a hearing in the absence of an objection."

16. Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, the Claimants seek authority to issue subpoenas to the Rule 2004 Parties to obtain documents and, if necessary, compel attendance for examination relating to the acts, conduct, property and financial affairs of the Debtor.

17. The request for authority to serve 2004 Subpoenas on the 2004 Parties shall not prejudice Claimants from seeking additional authority under Rule 2004 of the Federal Rules of Bankruptcy Procedure to issue further Subpoenas should additional Subpoenas be warranted based upon information received by Claimants during the course of its investigation.

WHEREFORE, Canobinoti, LLC and David Ocomo respectfully request that this Court enter an Order: (i) authorizing the Claimants to issue subpoenas to the Rule 2004 Parties to obtain documents and compel attendance for an examination relating to the acts, conduct, property, and

financial affairs of the Debtor; and (ii) granting such other and further relief as this Court deems proper under the circumstances.

Respectfully Submitted,

CANOBINOTI, LLC and DAVID OCOMO,
Creditors

By: /s/ Brian P. Welch.
One of their attorneys

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